

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RENATTA WARD,

Plaintiff,

-against-

MICHAEL SPOSATO, ET AL.,

Defendants.

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APPEARANCES:

For Plaintiff: Renatta Ward, pro se  
11G0181  
Bedford Hills Correctional Facility  
P.O. Box 1000  
Bedford Hills, NY 10507-2499

For Defendants: Liora M. Ben-Sorek, Esq.  
Nassau County Attorney's Office  
One West Street  
Mineola, NY 11501

SEYBERT, District Judge:

On February 7, 2011, Magistrate Judge A. Kathleen Tomlinson issued a thoughtful and well-reasoned Report and Recommendation ("R&R") recommending that Plaintiff Renatta Ward's ("Plaintiff") suit against Defendants be dismissed for failure to prosecute. The R&R details the relevant facts, which the Court will not repeat here except to explain, in summary, that Plaintiff missed two court appearances and that Defendants made diligent efforts to contact Plaintiff at her last-known Manhattan address. On March 1, the Court received a letter,

MEMORANDUM & ORDER  
10-CV-0835(JS)(AKT)

which it construes as an Objection to the R&R, in which Plaintiff explains that she had changed addresses and was thus not notified of her pending court dates. (Docket Entry 26 at 1.) She acknowledges "bad decisions" on her part and "assure[s]" the Court that "this won't happen again." (Id. at 2.)

In an abundance of caution and in view of the leniency generally afforded pro se litigants, the Court accepts Plaintiff's assurances on face value and declines to dismiss this suit for failure to prosecute. In doing so, it rejects Defendants' characterization of Plaintiff's conduct as "purposeful dilatoriness." (See Docket Entry 28 at 1.) Plaintiff is warned, however, that it is her responsibility to tell the Court when she moves. Plaintiff is further warned that the Court will not be so lenient going forward; if Plaintiff fails to comply with orders in the future, the Court will seriously consider dismissing this suit with prejudice.

Accordingly, the Court declines to adopt Judge Tomlinson's R&R. The Clerk of the Court is directed to mail Plaintiff a copy of this Order.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: March 24, 2011  
Central Islip, New York